IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURABLE SRI JUSTICE C. V. RAMULU

Writ Petition No.11142 of 2005

Dated: 24-08-2006

Between:

B. Bala Swamy S/o late Samuel,
Aged 48 years,
Occ: P F. Shop Dealer,
(under cancellation)
r/o Sivapuram village,
Penuganchiprolu Mandal,
Krishna District.

... Petitioner

and

1. The District Collector, Krishna District,
   Machilipatnam and 2 others.

...
Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the order of the first respondent in his proceedings in Rc.B1.RP/04/2004 dated 07-04-2005 confirming the orders of the second respondent dated 01-11-2004 and the third respondent dated 31-07-2004, as arbitrary and illegal.

2. It appears that the petitioner was a Fair Price Shop Dealer of Sivapuram village, Penuganchiprolu Mandal, Krishna District.
His authorization, after conducting a detailed enquiry into the matter, was cancelled on 31-07-2004 on the allegation of diversion of essential commodities and selling essential commodities at higher prices. Aggrieved by the same, the petitioner filed an appeal before the second respondent, Joint Collector and the second respondent, however, dismissed the appeal on 01-11-2004. Aggrieved by the same, the petitioner further carried the matter before the first respondent,
District Collector, who dismissed the same on 07-04-2005. Aggrieved by the same, the present writ petition has been filed.

3. I have perused all the orders under challenge and also other material available on record. The Revenue Divisional Officer having not satisfied with the explanation offered by the petitioner ordered for cancellation of the authorization of the petitioner. While doing so, he also relied upon the confessional statement made by the petitioner before the Mandal Revenue Officer in this regard. The charges are very grave in nature. The petitioner has diverted 1-84 quintals of PDS and AAY rice,
5-14 quintals of FFW rice and 222 litres of kerosene oil. The explanation offered by the petitioner was not at all satisfactory and the Revenue Divisional Officer rightly rejected the explanation offered by the petitioner and came to the conclusion that the authorization of the petitioner is liable to be cancelled. The Joint Collector as well as the District Collector after elaborate consideration of the arguments advanced on behalf of the petitioner as well as the grounds raised before them came to the conclusion that the Revenue divisional Officer has not committed any error in coming to the conclusion for cancellation of the Fair Price Shop Dealership. I am of the opinion that

the authorities have not committed any error in coming to such conclusion and the reasons furnished by them are cogent and convincing. Therefore, I am of the view that the authorities have not committed any error, calling for interference of this Court under Article 226 of the Constitution of India and the petition is devoid of merits.

4. Accordingly, the writ petition is dismissed. No costs.

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JUSTICE C. V. RAMULU

Dt.24-08-2006
GLV